

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PIERCE ROBERTSON, RACHEL GOLD,
SANFORD GOLD, RAHIL SAYED,
CHRISTOPHER EHRENTAUT, TODD
MANGANIELLO, DAN NEWSOM,
WILLIAM AYER, ANTHONY DORN,
DAMECO GATES, MARSHALL PETERS,
and EDWIN GARRISON, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

MARK CUBAN and DALLAS
BASKETBALL LIMITED d/b/a DALLAS
MAVERICKS,
Defendants.

Case No. 23-mc-24

(Case No. 22-cv-22538-RKA)

(U.S. District Court for the Southern District
of Florida)

March 8, 2023

NOTICE OF WITHDRAWAL OF MOTION

Based on the developments set forth below, in particular Respondents' decision to withdraw their subpoena following the filing of this action, Movant Sullivan & Cromwell LLP, by and through its undersigned counsel, hereby withdraws its *Motion to Quash Subpoena or for a Protective Order* (ECF No. 7), without prejudice to refiling the motion if future circumstances so warrant.

S&C initiated this action on January 27, 2023, seeking to quash a subpoena served on S&C by Respondents on December 29, 2022, in connection with the action captioned *Robertson v. Cuban*, No. 22-cv-22538 (S.D. Fla. filed Aug. 10, 2022). (ECF Nos. 7–8.) Respondents, plaintiffs in the *Robertson* action, failed to respond to S&C's motion by the deadline of February 6, 2023 prescribed by Local Civil Rule 6.1(a). Instead, on February 27, 2023—three weeks after

that deadline had passed—Respondents withdrew the subpoena, while purporting to reserve the right to “issue a new subpoena, if necessary, at a later time.” (Ex. A.)

In light of Respondents’ withdrawal of the subpoena, S&C now withdraws its motion. However, S&C reserves the right to refile the motion if Respondents renew their efforts to seek information from S&C through this subpoena or any other discovery request. S&C further reserves the right to seek sanctions against Respondents, including but not limited to the fees and expenses that S&C has incurred to date in connection with the subpoena.

Dated: March 8, 2023

Respectfully submitted,
/s/ Stephen Ehrenberg

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